THE HON'BLE SRI JUSTICE GODA RAGHURAM

AND

THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

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Writ Petition No. 9013 of 2006

Dated: 9.5.2006

Between:

J. Simhadri,

S/o. Venkata Subbaiah, Assistant Engineer, Mandal Parishad,

Kaikalur, Krishna District.

..... PETITIONER

AND

1.S. Srinivasa Rao, S/o. Parasuramulu, aged 46 years,

Assistant Engineer, Kaikalur, Panchayatraj Sub Division, Mandavalli, Zone-II, R/o Kaikalur, Krishna District.

and others

Respondents.

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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Writ Petition No. 9013 of 2006

ORDER: (Per Hon'ble Sri Goda Raghuram,J)

Heard the learned counsel for the petitioner, Sri K.Satyanarayana Murthy and Sri T.V.V. Koteswara Rao, learned counsel for the 1st respondent and the learned Government Pleader for Services-I for respondents 2 to 6.

This writ petition is directed against an interlocutory order, dated 24.01.2006 of the A.P. Administrative Tribunal, Hyderabad, in O.A.No.249 of 2006, whereby the transfer of the 1st respondent herein (applicant in O.A.), by the proceedings dated 18.12.2005 issued by the 2nd respondent, from the post of Assistant Engineer (PR) Mandal Parishad, Kaikalur to RWS(P) Circle, Kakinada, has been suspended. The writ petitioner is the 6th respondent in the O.A.

From the record, it would appear that the applicant before the Tribunal-the 1st respondent herein was earlier on deputation on foreign service terms, working in the SSA Programme, Krishna District. At his request, he was repatriated to the parent department in January, 2006 and posted to Kaikalur in an existing vacancy. Thereafter, by the proceedings impugned in the O.A., he was transferred on administrative grounds “pending enquiry of certain allegations and adverse paper clippings” to Kakinada, while requesting the Superintending Engineer to post the applicant in any non-focal post in the circle.

By the order impugned, the Tribunal suspended the order of transfer (of the 1st respondent) on the ground that as he was transferred pending enquiry into certain allegations, the transfer is not purely on administrative grounds.

Merely because the transfer is made on account of allegations or on the basis of complaints, it does not follow that the transfer is not on administrative grounds. “Administrative grounds” is not an expression that occurs in a vacuum. Complaints against an Officer or pending allegations could legitimately be compelling administrative grounds to transfer an employee pending a regular enquiry or even without it. The principles in this area are too well settled - vide - **Harischandra Ullal vs. Excise Commissioner, (1974 (1) Karn. L.J. 227(SN) 66, T.D. Subramanian vs. Union of India and others (AIR 1982 SC 776) and P. Shaikshavali vs. Superintendent of Police, Anantapur and others (2001 (3) ALD 47 (DB).**

On the aforesaid analysis, the impugned order of the Tribunal is seen to be contrary to settled principles, binding and persuasive precedents and cannot be sustained.

Accordingly the order of the Tribunal dated 24-01-2006 in O.A. No. 249 of 2006 is set aside.

The writ petition is allowed. No order as to costs.

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GODA RAGHURAM, J

Date: 09.05.2006

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M.VENKATESWARA REDDY, J

Pnb/dr

THE HON'BLE SRI JUSTICE GODA RAGHURAM

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O.S.A.No.19 of 2006

(Judgment of the Bench delivered by Hon'ble Sri Justice Goda Raghuram)

Dated:09.05.2006